

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Tim Clifton,

Civil No. 05-2472 (DWF/RLE)

Plaintiff,

v.

**ORDER ADOPTING THE  
REPORT AND RECOMMENDATION**

Hennepin County Deputy Horbin,  
Hennepin County Sheriff's Department,  
and Hennepin County,

Defendants.

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Tim Clifton, *Pro Se*, Plaintiff.

Richard D. Hodsdon, Esq., Washington County Attorney's Office, counsel for Defendant Hennepin County Deputy Horbin; and Toni A. Beitz, Esq., Hennepin County Attorney's Office, counsel for Defendants Hennepin County Sheriff's Department and Hennepin County.

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Based upon the Findings and Recommendation of the United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

1. That the Motion of Hennepin County and the Hennepin County Sheriff's Department for Judgment on the Pleadings, or to Dismiss (Doc. No. 16) is **GRANTED**.

2. That the Motion of Hennepin County and the Hennepin County Sheriff's Department for Judgment on the Pleadings, or to Dismiss (Doc. No. 28) is **DENIED**.

Dated: September 22, 2006

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court